(4)

C .07002

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR
WRIT PETITION NO. 2588 /2004 (S.B.)

(WRIT PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA)

PETITIONER : Deele Ram Sahu S/o Shri Janak Ram Sahu, Aged about 35 years, Panchayat Karmi (Secretary) Gram Panchayat Rakse, Block- Sahaspur Lohara, District- Kawardha (C.G.) R/o Village Rakse, P.O. Rakse, District Kawardha (Kabirdham) (C.G.)

P.R. No. 2593/04
Presented by Shri Amayakant Tiwari
dated 13-8-04

VERSUS

RESPONDENTS : State of Chhattisgarh,
Through : Collector,
Kabirdham (Kawardha)

WRIT PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA

The above named petitioner respectfully submits as

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2588/2004 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

20.1.2005

Shri Amiyakant Tiwari, counsel for the petitioner.

Shri Sandeep Dubey, Panel Lawyer for the State/respondent.

Heard on the question of admission.

By this writ petition filed under Article 226/227 of the Constitution of India, the petitioner has challenged the impugned order dated 2.8.2004 passed by the Collector, Kabirdham wherby the petitioner was suspended from the post of Panchayat Secretary.

Learned counsel for the petitioner submits that the petitioner was appointed on 16.11.1995 and was working as Panchayat Karmi and Secretary of Gram Panchayat, Rakse, Block Shahaspur Lohara, District Kawardha (Kabirdham). Vide order dated 2.8.2004 (Annexure P-1), passed by the Collector, the petitioner has been suspended from the post of Secretary. He further submits that the reasons assigned for suspension i.e., non-payment of pension to the destitutes and also non-payment of wages to the labourers, are incorrect and malafide. On these grounds, a prayer has been made for quashment of the order, Annexure-P-1.

Learned State counsel, appearing on advance copy opposes the admission of the petition. He submits that the aforesaid order is appealable under the provisions of Rule 3 of Chhattisgarh Panchayats

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(Appeal and Revision) Rules 1995. He further submits that since an alternative remedy is available to the petitioner, he may avail the same.

Learned counsel for the petitioner does not dispute this legal position.

In the facts and circumstances of the case, in the opinion of this Court, the petitioner cannot be allowed to challenge the order of suspension in this writ petition, especially, when the alternative remedy of appeal is available to petitioner. It is pertinent to note that the petitioner has not challenged the validity of the order on the ground of lack of jurisdiction or any other ground which may go to the root of the matter.

In the result, the petition is dismissed at the admission stage itself. However, a liberty is granted to the petitioner to file an appeal before the appropriate authority under the provisions of law.

With the aforesaid observations, the petition stands finally disposed of.

Consequently, M.(W.)P. No. 2297/2004 and I.A. No. 5790/2004 also stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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